S.B. CIVIL MISC. APPEAL NO. 326/2000
S.B. CIVIL CROSS OBJECTION NO. 11/2000

Date : 08.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Mahesh Thanvi for Union of India.
Mr. Rajesh Panwar for the respondent claimants.

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Heard the learned counsel for the parties.

The question sought to be raised in this case is to the effect that there was no negligence of the driver of the appellant. The testimony of PW/2 Tikam Singh is in material particulars supported by the driver of the vehicle. However, in the accident though it was on the right side of the jeep that the deceased was struck. That being the position, it cannot be said that the motorcycle was being driven on the wrong side. The evidence of driver is that he had seen the motorcycle coming with speed and he was slow in speed. If this statement is taken to be correct, then there was nothing to stop the driver to cease his vehicle which was not the case. The accident took place because the vehicle of the driver Chhatar Singh was out of control. He was not in a position to control the vehicle which he should have because the accident had taken place on a busy road before the Town Hall which is entry point into the busy market and the jeep should not have been driver more than 20 km per hour. In market conditions, if the jeep was being driver not according to norms and then hits a motor cycle, it cannot be said that the findings of the Tribunal on the ground of negligence are erroneous. The deceased was a Union of India employee working in railway department. The award as granted is in

commensurate with that of his monthly salary without taking into considering his future prospects. Thus, it does not appear to be inappropriate in any condition and on that count, the appeal so also the cross objection are dismissed because the award as made is not seen to be on the lesser side keeping in view the salary of the deceased which is around Rs. 8,95,000/- , a sizeable amount.

(BHAGWATI PRASAD, J.

bjsh